

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 1 is currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-4 are now pending in this application.

Claim Rejections under 35 U.S.C. § 102

Claims 1 and 3 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0245584 (“Murakawa”). In response, without agreeing or acquiescing to the rejection, Applicants have amended independent claim 1. Further, Applicants respectfully traverse the rejection for the reasons set forth below.

Applicants rely on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Applicants respectfully submit that Murakawa does not describe each and every element of the claims.

Independent claim 1 is directed to a “plasma processing method” wherein “said plasma processing method being characterized in that said process gas includes nitrous oxide gas and said nitrous oxide gas is introduced into the plasma whose electron temperature is less than binding energy 2.24 eV between a nitrogen molecule and an oxygen atom in said nitrous oxide.” (emphasis added).

As background and without limitation to the claims, the Examiner is referred to page 9, line 18 to page 11, line 1, Figs. 4 and 5 of the application as filed. Since the binding energy between a nitrogen molecule and an oxygen atom is approximately 2.24 eV in nitrous oxide, it is possible to suppress excessive dissociation by introducing the process gas through the process gas outlets of the lattice-shaped shower plate. Accordingly, the production of N₂ and O₂ caused by excessive dissociation of the nitrous oxide gas is suppressed and, hence, NO radicals and N₂O radicals that contribute to oxynitriding can be efficiently produced.

In contrast, Murakawa does not disclose, teach or suggest each and every element recited in independent claim 1.

Murakawa is directed to a system and method for forming insulation film.

The Office Action asserts that ¶ [0088] meets the claim limitation “whose electron temperature is less than 2.24 eV” as recited in claim 1. In view of the claim amendments, Applicants respectfully disagree that Murakawa discloses each and every limitation of amended claim 1.

Murakawa discloses plasma formed by using a Radial Line Slot Antenna (RLSA). However, plasma formed using RLSA is not “plasma whose electron temperature is less than binding energy 2.24 eV between a nitrogen molecule and an oxygen atom in said nitrous oxide” as claimed in claim 1. Accordingly, Murakawa fails to disclose “nitrous oxide gas is introduced into the plasma whose electron temperature is less than binding energy 2.24 eV between a nitrogen molecule and an oxygen atom in said nitrous oxide” as claimed in the amended independent claim 1.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Here, Murakawa fails to disclose each and every limitation in as complete detail as is contained in amended independent claim 1.

Accordingly, Applicants respectfully request that the rejection be withdrawn and independent claim 1 be allowed. Further, claims 2-4 depend from claim 1 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in Murakawa.

Claim Rejections under 35 U.S.C. § 103

Claims 2 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murakawa in view of U.S. Patent No. 6,830,652 ("Ohmi"). As set forth above, Murakawa fails to disclose, teach or suggest each and every limitation of independent claim 1. Claims 2 and 4 depend from independent claim 1 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein. Further, Ohmi fails to cure the deficiencies of Murakawa. Accordingly, Applicants request that the rejection be withdrawn.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith,

Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

10/23/2009

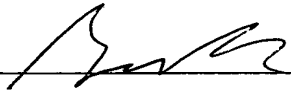
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